

86th Legislative Session – 2011

Committee: House State Affairs

Monday, March 07, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Lust, Chair
P Cronin, Vice-Chair
P Rausch
P Gosch
P Wick
P Abdallah
P Moser
P Hoffman
P Turbiville
P Hunhoff (Bernie)
P Gibson
P Fargen
P Blake

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Lust, Chair.

MOTION: TO APPROVE THE MINUTES OF MARCH 2, 2011.

Moved by: Turbiville
Second by: Gibson
Action: Prevailed by voice vote.

SB 196: modify the ethanol production incentive payment, to create the ethanol infrastructure incentive fund, to appropriate money to encourage the use of ethanol, and to make transfers into the ethanol infrastructure incentive fund and the revolving economic development and initiative fund.

Proponents: Dusty Johnson, Governor's Office

Harry Christianson, Ethanol Producers of SD
Dawna Leitzke, SD Petroleum & Propane Marketers Association
Brenda Forman, SD Association of Cooperatives

MOTION: DO PASS SB 196

Moved by: Fargen
Second by: Hoffman
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Hunhoff
(Bernie), Gibson, Fargen, Blake

SB 3: revise certain provisions regarding the use of the state seal.

Proponents: Jason Gant, Secretary of State

MOTION: AMEND SB 3

3fd

On the Senate engrossed bill, delete everything after the enacting clause and insert:

" Section 1. That § 1-6-3.1 be amended to read as follows:

1-6-3.1. No person may reproduce, duplicate, or otherwise use the official seal of the State of South Dakota, or its facsimile, adopted and described in §§ 1-6-1 and 1-6-2, ~~or the state commemorative medallion design or the state bullion piece design adopted by the commissioner of administration~~ for any for-profit, commercial purpose without specific authorization from the ~~commissioner of the Bureau of Administration~~ secretary of state. A violation of this section is a Class 1 misdemeanor.

Section 2. That § 1-6-3.2 be amended to read as follows:

1-6-3.2. No person may sell or offer for sale a replica or facsimile of the official seal of the State of South Dakota, adopted and described in §§ 1-6-1 and 1-6-2, ~~or the state commemorative medallion design or the state bullion piece design adopted by the commissioner of administration~~ without the specific authorization from the ~~commissioner of the Bureau of Administration~~ secretary of state. A violation of this section is a Class 1 misdemeanor.

Section 3. That § 1-6-3.3 be amended to read as follows:

1-6-3.3. The ~~Bureau of Administration~~ secretary of state shall charge a royalty for the privilege of using the state seal, ~~the state commemorative medallion design, or the state bullion piece design~~. The ~~Bureau of Administration~~ secretary of state may not charge a royalty if the state seal, ~~the state commemorative medallion design, or the state bullion piece design~~ is used for an educational purpose. ~~The royalty fee collected for the use of the state commemorative medallion design shall be deposited in the commemorative coin fund provided for in § 1-6-23.~~ All other royalty fees collected pursuant to this chapter shall be deposited in the state general fund.

Section 4. That § 1-6-3.4 be repealed.

~~1-6-3.4. Notwithstanding the provisions of §§ 1-6-3.1 to 1-6-3.3, inclusive, the secretary of state shall continue as the custodian of the state seal pursuant to § 1-8-2."~~

Moved by: Gosch
Second by: Hoffman
Action: Prevailed by voice vote.

MOTION: DO PASS SB 3 AS AMENDED

Moved by: Abdallah
Second by: Gosch
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Hunhoff (Bernie), Gibson, Fargen, Blake

MOTION: AMEND TITLE OF SB 3

3fta

On page 1, line 1, of the Senate engrossed bill, delete "use" and insert "administration".

Moved by: Rausch
Second by: Gosch
Action: Prevailed by voice vote.

MOTION: PLACE SB 3 ON CONSENT CALENDAR

Moved by: Cronin

Second by: Gosch
Action: Prevailed by voice vote.

SB 156: prohibit the employment of unauthorized aliens, and to provide penalties therefor.

Proponents: Senator Craig Tieszen
Staci Eggert, SD Sheriff's Association
Tom Barnett, State Bar Association of South Dakota
Doug Schmitt, self, Huron
Kitty Werthmann, Eagle Forum
Rachelle Hartze, self, Rapid City
Yvonne Taylor, SD Police Chiefs Assoc.

Opponents: James Marsh, Department of Labor (Handout: 1)
Julie Johnson, Absolutely Aberdeen (Handout: 2)
Marv Post, self, Volga
Clodagh Kavanagh, self, Brookings
Dorothy Elliott, self, Lake Norden
Brenda Forman, SD Dairy Producers, SD Association of Cooperatives (Handout: 3)

MOTION: DEFER SB 156 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Gosch
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 156

Moved by: Gibson
Second by: Wick
Action: Failed by roll call vote. (5-8-0-0)

Voting Yes: Lust, Wick, Moser, Hoffman, Gibson

Voting No: Cronin, Rausch, Gosch, Abdallah, Turbiville, Hunhoff (Bernie), Fargen, Blake

THE MOTION TO DEFER SB 156 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Gosch
Action: PREVAILED BY ROLL CALL VOTE. (8-5-0-0)

Voting Yes: Cronin, Rausch, Gosch, Abdallah, Turbiville, Hunhoff (Bernie), Fargen, Blake

Voting No: Lust, Wick, Moser, Hoffman, Gibson

MOTION: ADJOURN

Moved by: Turbiville

Second by: Hoffman

Action: Prevailed by voice vote.

Grace Curtis
Committee Secretary

David Lust, Chair